

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARVEY SANDE,

Plaintiff,

v.

BERKSHIRE LIFE INSURANCE CO.,

Defendant.

Case No.: 14-CV-3736 YGR

**ORDER REGARDING PLAINTIFF'S FAILURE TO
FILE AN OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS**

On September 5, 2014, Defendant Berkshire Life Insurance Company filed a motion to dismiss this lawsuit. (Dkt. No. 4.) If the Court grants that motion and dismisses this lawsuit, the lawsuit will be over and the Plaintiff, Harvey Sande, will have lost.

Under this Court's Civil Local Rule 7-3(a), Mr. Sande was required to file either a brief opposing the motion to dismiss his lawsuit, or a notice that he does not oppose dismissal.¹ Mr. Sande's papers were due on September 19. As of the date of this Order, Mr. Sande has not filed anything. As a result, the Court is considering dismissing his lawsuit for "failure to prosecute," that is, a failure to meet deadlines and keep the lawsuit moving forward.


The Court hereby extends Mr. Sande's time to file his papers. **Mr. Sande shall file an opposition to the Motion to Dismiss no later than October 10, 2014. Failure to file an opposition by that date will result in dismissal of this lawsuit for failure to prosecute.** Any reply to an opposition must be served and filed not more than 7 days after the opposition is served and filed. Civ. L.R. 7-3(c). The hearing on Defendant's Motion to Dismiss is now scheduled for **November 4, 2014, at 2:00 p.m. in Courtroom 1 at the Federal Courthouse, 1301 Clay Street, Oakland, California.**

¹ The Court's Civil Local Rules may be accessed for free at: <http://cand.uscourts.gov/localrules/civil>

1 The Court further notes that Mr. Sande may seek assistance at the Court's Legal Help Center.
2 The Legal Help Center may assist persons who do not have lawyers if they make an appointment.
3 The Legal Help Center's phone number is (415) 782-8982 and its website is
4 <http://cand.uscourts.gov/helpcentersf>.

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6 **IT IS SO ORDERED.**

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8 Dated: September 26, 2014

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10 YVONNE GONZALEZ ROGERS
11 UNITED STATES DISTRICT COURT JUDGE
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United States District Court

Northern District of California